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1	in field offices?	1	and Records Administration in Kansas City.
2	JUDGE NIEHOFF: District offices.	2	Q What is your grade?
3	Q (By Mr. Garfield) Do you recall what the	3	A GS-14.
4	justification was for locating them in those	4	Q And how long have you been in that position?
5	A Do I know what the justification was?	5	A Been in that position now for fourteen months.
6	Q Yeah.	6	Q I'm sorry. I didn't hear you.
7	A No, I don't. That would have been something	7	A Fourteen months.
8	between a decision that would have been made between	8	Q Fourteen months, okay. Would that be somewhere
9	senior management in the program and the United States	9	around February of 2011?
10	Trustee at the time.	10	A That's correct.
11	Q You would not have been	11	Q Or thereabouts?
12	A No, I would not have been involved.	12	JUDGE NIEHOFF: And what was your position in 2008
13	Q That would be outside your bailiwick?	13	and 2009?
14	A Right.	14	A 2008 and 2009 I was the Admin Officer for the U.S.
15	MR. GARFIELD: Okay. That's it.	15	Trustee Program in Kansas City.
16	JUDGE NIEHOFF: Can we excuse this witness?	16	Q (By Mr. Garfield) And were you also Admin Officer
17	MR. BRIDENHAGEN: Excused.	17	for Region 12?
18	JUDGE NIEHOFF: I'm assuming she's going to be	18	A Yes.
19	returning to D.C., so	19	Q So you served two regions?
20	THE WITNESS: Yes.	20	A Region 12 and 13.
21	JUDGE NIEHOFF: Is there any reason why you think	21	Q And was who was your supervisor for Region 13?
22	we might need her?	22	A Region 13 would be Nancy Gargula.
23	MR. GARFIELD: Only if I what if I bring	23	Q And she was the U.S. Trustee for the region,
24	something in that shows I submitted the exhibit.	24	right?
25	JUDGE NIEHOFF: Then you can submit the exhibit.	25	A Yes, she was.
1 2	Page 110 She's already testified regarding the question.  MR. GARFIELD: Okay. All right.	1 2	Page 112  Q And what was the grade of your position?  A I was brought in as a GS-11 and when I was offered
3	JUDGE NIEHOFF: Thank you.	3	or given the second region, it was a temporary promotion to
4	(Witness excused)	4	GS-12. It was renewed on an annual basis.
5	JUDGE NIEHOFF: Who's next?	5	Q And when you took the position with National
6	MR. GARFIELD: Mr. Newton.	6	Archives in Kansas City, was that originally as a fourteen or
7	JUDGE NIEHOFF: So it's 11:30 now. We can go off	7	was it
8	the record.	8	A It was a GS-13 promotion, potential to fourteen and
9	(Whereupon there was a discussion off the record.)	9	it was recently elevated to fourteen when I hit the one year
10	JUDGE NIEHOFF: Would the court reporter please	10	time and grade as a thirteen.
11	swear in the witness.	11	Q So what were your responsibilities when you were
12	ROBERT NEWTON,	12	the regional administrative officer for Region 13?
13	of lawful age, being produced, sworn and examined on behalf	13	A When I was the Regional Administrative Officer I
14	of the Claimant, Cynthia Moore, states and says:	14	was in charge of Human Resource functions, finance, budget,
15	, , , , , , , , , , , , , , , , , , , ,	15	facilities, safety, security. I was also a contracting
16	JUDGE NIEHOFF: Please state your name.	16	officer for the U.S. Trustee Program.
17	THE WITNESS: Robert Newton.	17	Q What were your responsibilities with regard
18	JUDGE NIEHOFF: And please state your race	18	never mind.
19	for the record.	19	What was your responsibility with regard to
20	THE WITNESS: Caucasian.	20	recruitment actions?
21	JUDGE NIEHOFF: Go ahead, Mr. Garfield.	21	A Recruitment actions. If we had a local recruitment
22	DIRECT EXAMINATION	22	action within the region, I would coordinate with the Human
ı	BY MR. GARFIELD:	23	Resource specialist that's assigned to our region and
23			
23 24	Q Mr. Newton, what's your current position?	24	Executive Office in Washington, D.C. I would actually by
l	<ul><li>Q Mr. Newton, what's your current position?</li><li>A I'm field support officer for the National Archives</li></ul>	24 25	Executive Office in Washington, D.C. I would actually by direction of the U.S. Trustee put together the standard

Fax: 314.644.1334

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Page 137  1 A Yes. 2 Q And what was that situation? 3 A Region 12 the senior analyst works in Cedar Rapids; 4 the region office is in Minneapolis. 5 MR. GARFIELD: No more questions. 6 CROSS EXAMINATION 7 BY MR. BRIDENHAGEN: 8 Q Just a couple questions. You just testified that 9 you had concerns that Nancy Gargula made decisions for awards 10 based on race; is that correct? 11 A No, I don't think she made the decisions based on 12 race. I think she made the decisions on the overall amount 13 of money that she had available and she took into effect what 14 the performance rating and what else? 15 Q Performance rating and what else? 16 A Their performance rating, grade levels and their 17 billet. 18 Q Do you have any reason to believe that any 18 Q And had you discussed it with anyone?	Miss t and scussion Miss cussing Miss
2 A When Miss Carpenter had come down to my 3 A Region 12 the senior analyst works in Cedar Rapids; 4 the region office is in Minneapolis. 5 MR. GARFIELD: No more questions. 6 CROSS EXAMINATION 7 BY MR. BRIDENHAGEN: 8 Q Just a couple questions. You just testified that 9 you had concerns that Nancy Gargula made decisions for awards 10 based on race; is that correct? 11 A No, I don't think she made the decisions based on 12 race. I think she made the decisions on the overall amount 13 of money that she had available and she took into effect what 14 the performance rating was. 15 Q Performance rating and what else? 16 A Their performance rating, grade levels and their 17 A She told me not to discuss it with anyone. 18 Q Do you have any reason to believe that any	Miss t and scussion Miss cussing Miss
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18 Q Do you have any reason to believe that any	
19 decisions made by Paul Randolph concerning promotions and 19 A No, I had not.	
20 awards were in any way influenced by race? 20 Q And not with Miss Carpenter?	
21 A No, I do not. 21 A No, I had not.	
22 Q And what race is Mr. Randolph? 22 Q And did there come a point in time whe	n vou went in
23 A He's African American. 23 Miss Carpenter's office and apologized to her?	•
24 MR. BRIDENHAGEN: No further questions.  24 A I did for upsetting her, but nothing further the	
25 JUDGE NIEHOFF: Anything else, Mr. Garfield? 25 that. The regional officer there, too, Mr. Bridenhage	
Page 138	Page 140
1 MR. GARFIELD: No. Are you done? 1 a history of this kind of activity. So, you know,	what I
2 MR. BRIDENHAGEN: Wait a minute. I'm sorry. Let 2 went through and what you're asking me specifi	
3 me ask one more question. 3 happened to me, but happened to several employed.	yees and it's
4 Q (By Mr. Bridenhagen) How did you get along with 4 still ongoing in the office. That's why I left.	
5 Miss Gargula? 5 MR. BRIDENHAGEN: I don't have any fu	ther
6 A The relationship with Miss Gargula was 6 questions.	
7 deteriorating to the point that I sought another position at 7 JUDGE NIEHOFF: What did you say to M	iss Carpenter?
8 the National Archives where I work now. My involvement in 8 What was the discussion about?	
9 this case, my position, my performance evaluation was 9 A Ma'am, she came down and asked a few	•
10 beginning to decline. So it was the way we discussed 11 things guite at times became no discussion at all. It was	
11 things quite at times became no discussion at all. It was  11 officer. The regional office is located with the K	•
12 her way; she would tell me what to do. So quite frankly it 12 office. We had a general discussion about some	-
13 is I would I'm no longer at the U.S. Trustees Program 13 were in the office and I don't quite I don't qui	
1.14 hospits our relationship had declined to that noise	•
14 because our relationship had declined to that point.  14 remember the specific topic until later I was on the point of any disciplinary.	r anv work
15 <b>Q</b> Were you ever the subject of any disciplinary 15 with Nancy and Cindy being told not to talk about	•
15 <b>Q</b> Were you ever the subject of any disciplinary 16 action? 15 with Nancy and Cindy being told not to talk about related business with any of the other employee	s. So
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Fax: 314.644.1334